

## **Appendix E**

### **AmerGen Energy Company, LLC's Compliance Status and Consultation Correspondence**



## Appendix E

### AmerGen Energy Company, LLC's Compliance Status and Consultation Correspondence

Correspondence received during the process of evaluation of the application for renewal of the license for Oyster Creek Nuclear Generating Station (OCNGS) is identified in Table E-1. Copies of the correspondence are included at the end of this appendix.

The licenses, permits, consultations, and other approvals obtained from Federal, State, regional, and local authorities for OCNGS are listed in Table E-2.

**Table E-1. Consultation Correspondence**

| Source   | Recipient   | Date of Letter                  |
|--|---|---------------------------------|
| U.S. Nuclear Regulatory Commission (P.T. Kuo)  | New Jersey State Historic Preservation Officer (D. Guzzo) | October 12, 2005                |
| U.S. Nuclear Regulatory Commission (P.T. Kuo)  | U.S. Fish and Wildlife Service (C. Day)                   | October 12, 2005                |
| U.S. Nuclear Regulatory Commission (P.T. Kuo)  | National Marine Fisheries Service (P. Kurkul)             | October 12, 2005                |
| U.S. Nuclear Regulatory Commission (P.T. Kuo)  | Stockbridge-Munsee Community (R. Chicks)                  | October 12, 2005 <sup>(a)</sup> |
| New Jersey State Historic Preservation Officer (D. Fimbel)                               | U.S. Nuclear Regulatory Commission (P.T. Kuo)             | November 2, 2005                |
| U.S. Fish and Wildlife Service (C. Day)  | U.S. Nuclear Regulatory Commission (M. Lesar)             | November 23, 2005               |
| (a) Similar letters were sent to four other Native American Tribes listed in Appendix C. |   |                                 |

**Table E-2. Federal, State, Local, and Regional Licenses, Permits, Consultations, and Other Approvals for Oyster Creek Nuclear Generating Station**

| Agency                                | Authority   | Description  | Number           | Issue Date | Expiration Date | Remarks  |
|---------------------------------------|---|--|------------------|------------|-----------------|--|
| NRC                                   | 10 CFR Part 50  | Operating license, Oyster Creek Nuclear Generating Station | DPR-16           | 04/09/69   | 04/09/09        | Authorizes operation of OCNGS.   |
| DOT                                   | 49 USC 5108   | Registration   | 052804 700 004MO | 05/28/04   | 06/30/07        | Authorizes hazardous materials shipment.   |
| FWS                                   | Section 7 of the Endangered Species Act (16 USC 1536)               | Consultation   | NA               | NA         | NA              | Requires a Federal agency to consult with the FWS regarding whether a proposed action will affect endangered or threatened species.  |
| NMFS                                  | Endangered Species Act (16 USC 1531-1544)                           | Incidental Take Permit – Sea Turtles                       | NA               | Ongoing    | Ongoing         | Possession and disposition of impinged or stranded sea turtles.  |
| NJDEP, Division of Parks and Forestry | Section 106 of the National Historic Preservation Act (16 USC 470f) | Consultation   | NA               | NA         | NA              | The National Historic Preservation Act requires Federal agencies to take into account the effect of any undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places.   |
| NJDEP, Land Use Regulations           | Federal Coastal Zone Management Act (16 USC 1452 et seq.)           | Certification  | NA               | NA         | NA              | Requires applicant to prove certification to Federal agency issuing the license that license renewal would be consistent with the Federally approved State Coastal Zone Management program. Based on its review of the proposed activity, the State must concur with or object to the applicant's certification. |
| NJDEP                                 | Clean Water Act, Section 401 (33 USC 1341)                          | Certification  | NA               | NA         | NA              | State issuance of NPDES permit constitutes 401 certification.  |

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June 2006

Table E-2. (contd)

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Draft NUREG-1437, Supplement 28

| Agency | Authority  | Description  | Number         | Issue Date | Expiration Date   | Remarks   |
|--------|--|--|----------------|------------|---|---|
| NJDEP  | Clean Water Act (33 USC 1251 et seq.); NJ Statutes Annotated (NJSA) Water Pollution Control Act 58:10A et seq.; and NJ Administrative Code (NJAC) 7:14 et seq. | New Jersey Pollutant Discharge Elimination System Permit – surface water | NJ0005550      | 10/24/94   | Remains in effect pending State action on current application | Wastewater (industrial surface water, thermal surface water, and stormwater runoff) discharges to Oyster Creek, Forked River, and South Branch of the Forked River. |
| NJDEP  | Clean Water Act (33 USC 1251 et seq.); NJSA 58:10A et seq.; NJAC 7:14A et seq.   | New Jersey Pollutant Discharge Elimination System Permit – groundwater   | NJ101966       | 02/20/04   | 02/20/09  | Wastewater (percolation lagoon, underground injection, dredge spoils) to groundwater.   |
| NJDEP  | Coastal Area Facility Review Act (NJSA 13:19-1 et seq.); Waterfront Development Act (NJSA 12:5-3); Wetlands Act (NJSA 13:9A-1 et seq.)                         | Certification  | NA             | NA         | NA  | Compliance with coastal zone management rules, freshwater wetlands protection rules, and Coastal Permit Program rules.  |
| NJDEP  | Water Supply Management Act (NJSA 58:1A et seq.)   | Water Use Registration   | 11108W         | 07/25/01   | NA  | Registers two wells with collective diversions of less than 100,000 gallons per day.  |
| NJDEP  | NJAC 7:7A  | Freshwater Wetlands Statewide General Permit                             | 1500-02-0004.1 | 06/04/02   | 06/04/07  | Remove vegetation from fire pond.   |
| NJDEP  | Chapter 251, Soil Erosion and Sediment Control Act, PL 195   | Certificate  | SCD 1302       | 07/09/05   | 01/09/09  | Soil Erosion Control and Sediment Control Plan for upland dredge disposal site.   |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)  | Certificate to operate   | PCP970001      | 09/08/97   | 09/08/07  | Air emissions for DL-42 boiler and DL-68 boiler.  |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)  | Certificate to operate   | PCP970002      | 10/09/02   | 10/09/07  | Emergency Fire Diesel 1-2.  |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)  | Certificate to operate   | PCP970003      | 11/14/97   | 11/14/07  | #1 Boiler.  |

Appendix E

Table E-2. (contd)

| Agency | Authority   | Description            | Number     | Issue Date | Expiration Date | Remarks  |
|--------|---|------------------------|------------|------------|-----------------|--|
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)   | Certificate to operate | PCP970005  | 01/08/03   | 01/08/08        | Forked River Emergency Fire Diesel.              |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)   | Certificate to operate | PCP970006  | 10/31/02   | 10/29/07        | Dirty Oil Lube Tank.                             |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)   | Certificate to operate | PCP960005  | 03/23/04   | 03/23/09        | Aboveground Gasoline Storage Tank.               |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)   | Certificate to operate | PCP960006  | 07/10/04   | 07/10/09        | Emergency Generator 1.                           |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)   | Certificate to operate | PCP960007  | 07/10/04   | 07/10/09        | Emergency Diesel Generator 2.                    |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)   | Certificate to operate | PCP960008  | 06/26/96   | 06/26/06        | Grit Blaster.                                    |
| NJDEP  | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)   | Certificate to operate | PCP020001  | 07/29/02   | 07/28/07        | Emergency Fire Diesel 1-1.                       |
| NJDEP  | NJAC 7:14B  | Certificate to operate | GEN000001  | 07/18/05   | 07/18/10        | Emergency Generator 2.                           |
| NJDEP  | Clean Water Act (33 USC 1251 et seq.); Clean Air Act (42 USC 7401 et seq.); Resource Conservation and Recovery Act (42 USC 6901 et seq.); Water Pollution Control Act (NJSA 48:10A et seq.); Industrial Site Recovery Act (NJSA 26:2C-1 et seq. and NJAC 7:14B) | Registration           | UST 000002 | 08/24/04   | 08/24/09        | Underground Storage Tank – Emergency Spill Tank. |

Table E-2. (contd)

| Agency                           | Authority   | Description  | Number      | Issue Date | Expiration Date | Remarks  |
|----------------------------------|---|--|-------------|------------|-----------------|--|
| NJDEP                            | NJAC 7:18 et seq.   | Laboratory certification   | 15304       | 06/30/05   | 06/30/06        | State-certified laboratory to perform listed analyses.   |
| NJDOT                            | Fish and Game, Wild Birds and Animals   | License  | H-205       | 01/31/06   | 01/31/07        | Oyster Creek Helistop.   |
| NJDEP                            | Clean Air Act (42 USC 7401 et seq.); Air Pollution Control Act (NJSA 26:2C-9.2)                       | Certificate to operate   | PCP960004   | 02/13/06   | 02/13/11        | Emergency Diesel Generator Fuel Oil Storage Tank.  |
| SCDHEC                           | South Carolina Radioactive Waste Transportation and Disposal Act (Act No. 429)                        | South Carolina Radioactive Waste Transport Permit                  | 0043-29-04  | 12/31/05   | —               | Transportation of radioactive waste into the state of South Carolina.  |
| VDEP                             | Virginia Department of Emergency Management Title 44, Code of Virginia, Chapter 3.3, Section 44-146.3 | Virginia Registration to Transport Hazardous Radioactive Materials | AO-S-063006 | 05/27/04   | 06/30/06        | Transport of hazardous radioactive materials.  |
| TDEC                             | Tennessee Department of Environment and Conservation Rule 1200-2-10.32                                | Tennessee Radioactive Waste License-for-Delivery                   | T-NJ001-L04 | 12/31/05   | —               | Transportation of radioactive waste into the state of Tennessee.   |
| NJDEP                            | 40 CFR 266 Subpart N, NJAC 7:26G  | Conditional Exemption  | NA          | NA         | NA              | Storage and treatment of low-level mixed waste.  |
| Ocean County Utilities Authority | NA  | Agreement  | NA          | NA         | NA              | OCNGS provides continuous radiation monitoring of discharges of OCNGS wastewater to publicly owned treatment facility. |

Table E-2. (contd)

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|--------|---|---|
| -      | = | date not given  |
| CFR    | = | Code of Federal Regulations                                   |
| DOT    | = | U.S. Department of Transportation                             |
| FWS    | = | U.S. Fish and Wildlife Service                                |
| NA     | = | not applicable  |
| NJAC   | = | New Jersey Administrative Code                                |
| NJDEP  | = | New Jersey Department of Environmental Protection             |
| NJDOT  | = | New Jersey Department of Transportation                       |
| NJSA   | = | New Jersey Statutes Annotated                                 |
| NMFS   | = | National Marine Fisheries Service                             |
| NPDES  | = | National Pollutant Discharge Elimination System               |
| NRC    | = | U.S. Nuclear Regulatory Commission                            |
| OCNGS  | = | Oyster Creek Nuclear Generating Station                       |
| PL     | = | Public Law  |
| SCDHEC | = | South Carolina Department of Health and Environmental Control |
| TDEC   | = | Tennessee Department of Environment and Conservation          |
| USC    | = | United States Code  |
| VDEP   | = | Virginia Department of Environmental Protection               |

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 12, 2005

Ms. Dorothy Guzzo  
State Historic Preservation Officer  
Historic Preservation Office  
P.O. Box 404  
Trenton, NJ 08625-0404

SUBJECT: OYSTER CREEK NUCLEAR GENERATING STATION LICENSE RENEWAL  
REVIEW (TAC NO. MC7625) (HPO-J2004-7021)

Dear Ms. Guzzo:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application to renew the operating license for Oyster Creek Nuclear Generating Station (OCNGS), which is located in Lacey Township in Ocean County, New Jersey. The nearest major metropolitan areas to OCNGS include Newark, New Jersey, approximately 60 miles to the north; Atlantic City, New Jersey, approximately 35 miles to the south; and Philadelphia, Pennsylvania, approximately 60 miles west of the OCNGS site. OCNGS is owned and operated by AmerGen Energy Company, LLC (AmerGen). The application for renewal was submitted by AmerGen on July 22, 2005, pursuant to the requirements of Title 10 of the *Code of Federal Regulations* Part 54 (10 CFR Part 54). The NRC has established that, as part of the review of any nuclear power plant license renewal action, a site-specific Supplemental Environmental Impact Statement (SEIS) augmenting its "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), NUREG-1437, will be prepared under the provisions of 10 CFR Part 51, the NRC regulation that implements the National Environmental Policy Act (NEPA) of 1969, as amended. In accordance with 36 CFR 800.8, the SEIS will include analyses of potential impacts to historic and archaeological resources.

In the context of the National Historic Preservation Act of 1966, as amended, the NRC staff has determined that the area of potential effect (APE) for a license renewal action is the area at the power plant site and its immediate environs that may be impacted by post-license-renewal land-disturbing operations or projected refurbishment activities associated with the proposed action. The APE may extend beyond the immediate environs in those instances where post-license-renewal land-disturbing operations or projected refurbishment activities, specifically related to license renewal, may have a potential effect on known or proposed historic sites. This determination is made irrespective of ownership or control of the lands of interest.

While preparing its application, AmerGen contacted your office by letter dated October 7, 2004. In that letter, AmerGen stated that it has no plans to alter current operations or engage in any land-disturbing activities during the license renewal period, and therefore, it does not expect the operation of OCNGS through the license renewal term to affect adversely cultural or historic resources at the plant or its immediate environs. Your office responded by letter dated October 15, 2004, stating that no historic properties listed on or eligible to be listed on the National Register of Historic Places would be affected by the proposed action.

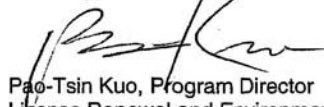
## Appendix E

D. Guzzo

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On November 1, 2005, the NRC will conduct two public scoping meetings at the Quality Inn located at 815 Route 37 in Toms River, New Jersey. You and your staff are invited to attend. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7:00 p.m., with a repeat of the overview portions of the meeting, and will continue until 10:00 p.m., as necessary. Your office will receive a copy of the draft SEIS along with a request for comments. The anticipated publication date for the draft SEIS is June 2006. If you have any questions or require additional information, please contact the NRC's Senior Environmental Project Manager, Dr. Michael Masnik, at 301-415-1191 or by e-mail at [MTM2@nrc.gov](mailto:MTM2@nrc.gov).

Sincerely,



Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No.: 50-219

cc: See next page



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

October 12, 2005

Mr. Clifford Day, Administrator  
New Jersey Field Office  
U.S. Fish and Wildlife Service  
927 N. Main Street  
Heritage Square, Building D  
Pleasantville, New Jersey 08232

SUBJECT: REQUEST FOR LIST OF PROTECTED SPECIES WITHIN THE AREA UNDER  
EVALUATION FOR THE OYSTER CREEK NUCLEAR GENERATING STATION  
LICENSE RENEWAL (TAC NO. MC7625)

Dear Mr. Day:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application submitted by AmerGen Energy Company, LLC (AmerGen) for the renewal of the operating license for the Oyster Creek Nuclear Generating Station (OCNGS). OCNGS is a single-unit nuclear plant located in Lacey Township in Ocean County, New Jersey. As part of the review of the license renewal application, the NRC is preparing a Supplemental Environmental Impact Statement (SEIS) under the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended, which includes an analysis of pertinent environmental issues, including endangered or threatened species and impacts to fish and wildlife. This letter is submitted under the provisions of the Endangered Species Act of 1973, as amended, and the Fish and Wildlife Coordination Act of 1934, as amended.

AmerGen stated that it has no plans to alter current operations over the license renewal period, and that OCNGS operating under a renewed license would use existing plant facilities and transmission lines and would not require additional construction or disturbance of new areas. Any maintenance activities would be limited to previously disturbed areas.

OCNGS is situated on approximately 800 acres of land in the coastal pine barrens of New Jersey approximately 9 miles south of Toms River, New Jersey. The property is on the western shore of Barnegat Bay. East of U.S. Highway 9 the northern site boundary is the South Branch of Forked River, and the southern site boundary is Oyster Creek. West of U.S. Highway 9 the site boundary is defined by the manmade intake and discharge canals (See Enclosed Maps).

OCNGS employs a once-through heat dissipation system designed to remove waste heat from the condensers. The circulating water system includes the intake canal, an intake structure divided into two bays, circulating water pumps, condensers, dilution pumps, discharge pipes, and discharge canal. The purpose of the dilution pumps is to decrease the attractiveness of the heated discharge to migratory marine species during the spring and fall, and to reduce thermal stress on organisms in the discharge canal during the summer. An angled boom in the intake canal immediately in front of the intake prevents large mats of eelgrass and algae from clogging the intake system. Barnegat Bay is the plant's cooling water source and heat sink. Cooling water is drawn from Barnegat Bay through the South Branch of Forked River and into a

## Appendix E

C. Day

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150-foot-wide intake canal dredged to a depth of 10 feet. The circulating water is returned to the 150-foot-wide discharge canal and from there flows to Oyster Creek and back to Barnegat Bay. Depths in the South Branch of the Forked River, canals, and lower reaches of Oyster Creek are maintained by periodic dredging.

The transmission lines in the scope of NRC's environmental review for license renewal are those that were originally constructed for the specific purpose of connecting the plant to the transmission system. A single 230-kilovolt transmission line was built to connect OCNGS to the electric grid. It is a double circuit line hung on a single set of towers that runs 11.1 miles from the OCNGS 230 kilovolt Substation to the Manitou Substation near Toms River. Beyond the OCNGS substation transformer-side disconnects, the line is owned and operated, and corridor easements held, by FirstEnergy, an Ohio utility. The transmission line corridor is 240-feet-wide and approximately parallels the New Jersey State Parkway, occupying about 320 acres. The corridor passes through land that is primarily pine forest and swamp forest. Approximately 1 mile of the line passes through Double Trouble State Park. The line is in Ocean County and crosses numerous county roads and the New Jersey State Parkway. FirstEnergy plans to maintain this transmission line, which is integral to the larger transmission system, indefinitely. The transmission line will remain a permanent part of the transmission system after OCNGS is decommissioned. The transmission line and site boundary are identified in the enclosed maps.

The U.S. Fish and Wildlife Service and the State of New Jersey were involved in the siting of the new transmission line south of OCNGS owned by Connectiv. This new line is outside the scope of NRC's license renewal review.

To support the environmental impact statement preparation process and to ensure compliance with Section 7 of the Endangered Species Act, the NRC requests a list of species and information on protected, proposed, and candidate species and critical habitat that may be in the vicinity of OCNGS and its associated transmission line right-of-way. In addition, please provide any information you consider appropriate under the provisions of the Fish and Wildlife Coordination Act.

The NRC staff plans to two public NEPA scoping meetings on November 1, 2005, at the Quality Inn located at 815 Route 37 in Toms River, New Jersey. You and your staff are invited to attend the public meetings. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7:00 p.m., with a repeat of the overview portions of the meeting, and will continue until 10:00 p.m., as necessary. Your office will also receive a copy of the draft SEIS along with a request for comments. The anticipated publication date for the draft SEIS is June 2006.

C. Day

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If you have any questions concerning OCNGS, the license renewal application, or other aspects of this project, please contact the NRC's Senior Environmental Project Manager, Dr. Michael Masnik, at (301) 415-1191 or by e-mail at [MTM2@nrc.gov](mailto:MTM2@nrc.gov).

Sincerely,



Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

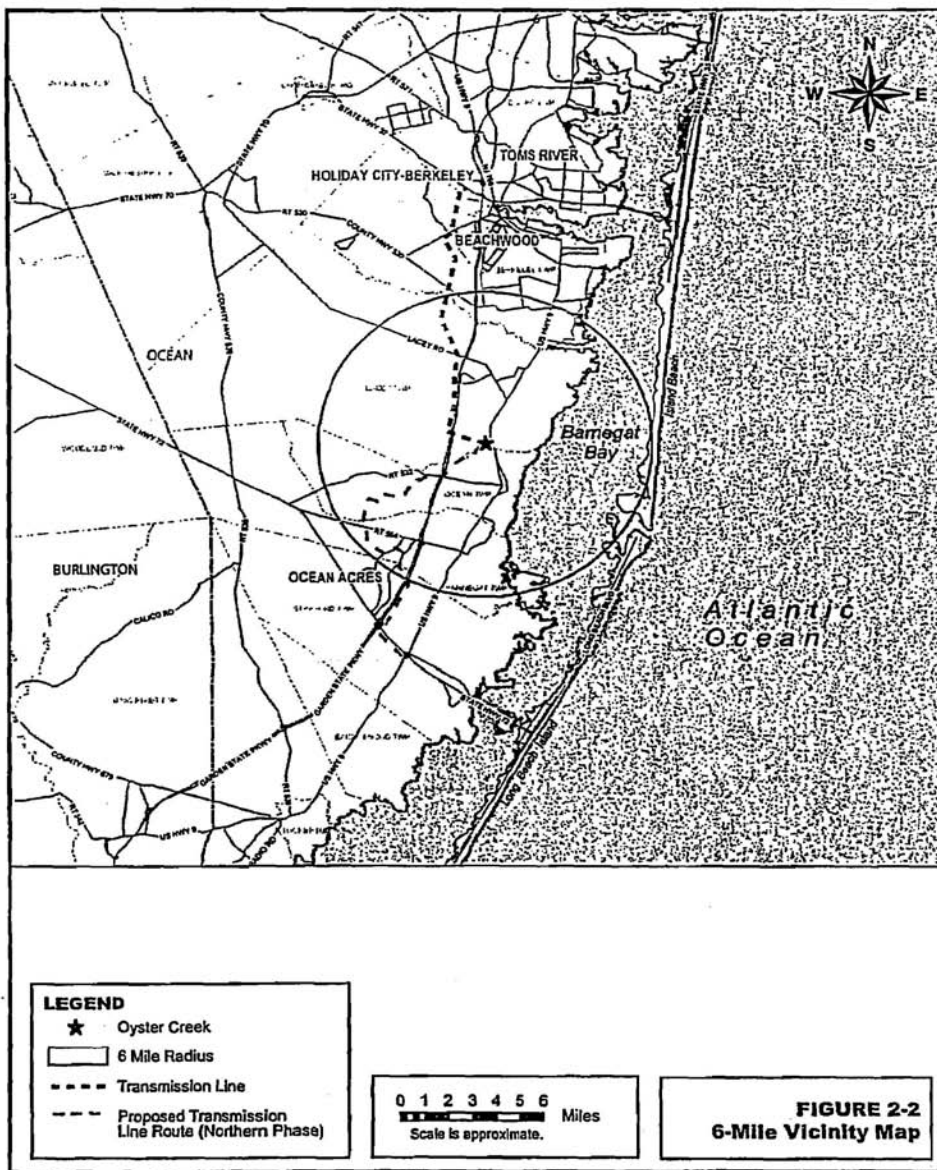
Docket No.: 50-219

Enclosures: As stated

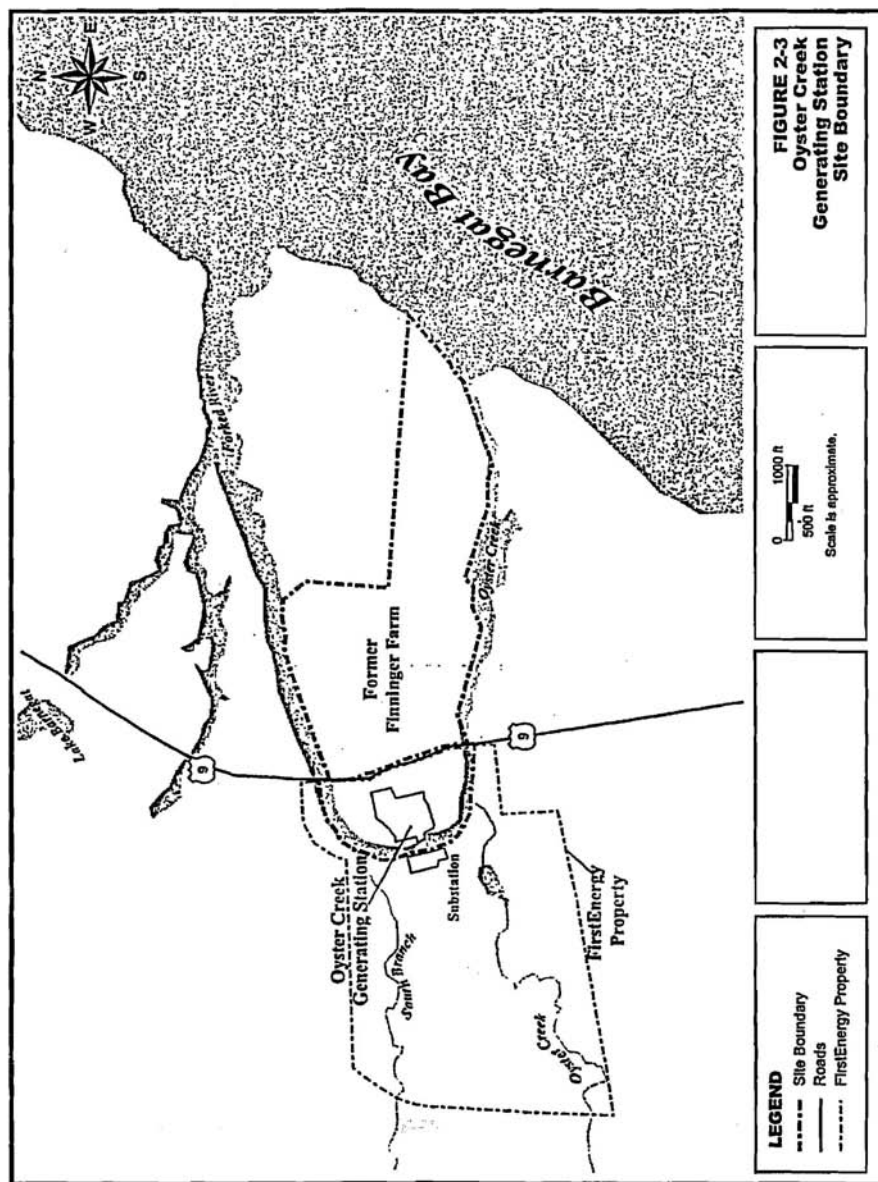
cc w/encl.: See next page

## Appendix E

### Environmental Report Section 2.1 Figures



Environmental Report  
Section 2.1 Figures



Oyster Creek Generating Station  
License Renewal Application

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## Appendix E



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

October 12, 2005

Patricia A. Kurkul, Regional Administrator  
NOAA's National Marine Fisheries Service  
Northeast Regional Office  
One Blackburn Drive  
Gloucester, MA 09130-2298

**SUBJECT: REQUEST FOR LIST OF PROTECTED SPECIES AND ESSENTIAL FISH  
HABITAT WITHIN THE AREA UNDER EVALUATION FOR OYSTER CREEK  
NUCLEAR GENERATING STATION LICENSE RENEWAL**

Dear Ms. Kurkul:

The U.S. Nuclear Regulatory Commission (NRC) is reviewing an application submitted by AmerGen Energy Company, LLC (AmerGen) for the renewal of the operating license for the Oyster Creek Nuclear Generating Station (OCNGS). OCNGS is a single-unit nuclear plant located in Lacey Township in Ocean County, New Jersey. As part of the review of the license renewal application, the NRC is preparing a Supplemental Environmental Impact Statement (SEIS) under the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended. The SEIS includes an analysis of pertinent environmental issues, including endangered or threatened species and impacts to marine resources and habitat. This letter is being submitted under the provisions of the Endangered Species Act of 1973, as amended, the Fish and Wildlife Coordination Act of 1934, as amended, and the Sustainable Fisheries Act of 1996.

AmerGen stated that it has no plans to alter current operations over the license renewal period and that OCNGS operating under a renewed license would use existing plant facilities and transmission lines and would not require additional construction or disturbance of new areas. Any maintenance activities would be limited to previously disturbed areas.

OCNGS is situated on approximately 800 acres of land in the coastal pine barrens of New Jersey approximately 9 miles south of Toms River, New Jersey. The property is on the western shore of Barnegat Bay. East of U.S. Highway 9 the northern site boundary is the South Branch of Forked River, and the southern site boundary is Oyster Creek. West of U.S. Highway 9 the site boundary is defined by the manmade intake and discharge canals (See Enclosed Maps).

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P. Kurkul

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150-foot-wide intake canal dredged to a depth of 10 feet. The circulating water is returned to the 150-foot-wide discharge canal and from there flows to Oyster Creek and back to Barnegat Bay. Depths in the South Branch of the Forked River, canals, and lower reaches of Oyster Creek are maintained by periodic dredging.

The transmission lines in the scope of NRC's environmental review for license renewal are those that were originally constructed for the specific purpose of connecting the plant to the transmission system. A single 230-kilovolt transmission line was built to connect OCNGS to the electric grid. It is a double circuit line hung on a single set of towers that runs 11.1 miles from the OCNGS 230 kilovolt Substation to the Manitou Substation near Toms River. Beyond the OCNGS substation transformer-side disconnects, the line is owned and operated, and corridor easements held, by FirstEnergy, an Ohio utility. The transmission line corridor is 240 feet wide and approximately parallels the New Jersey State Parkway, occupying about 320 acres. The corridor passes through land that is primarily pine forest and swamp forest. Approximately 1 mile of the line passes through Double Trouble State Park. The line is in Ocean County and crosses numerous county roads and the New Jersey State Parkway. FirstEnergy plans to maintain this transmission line, which is integral to the larger transmission system, indefinitely. The transmission line will remain a permanent part of the transmission system after OCNGS is decommissioned. The transmission line and site boundary are identified in the enclosed maps.

To support the SEIS preparation process and to ensure compliance with Section 7 of the Endangered Species Act, the NRC requests a list of endangered, threatened, candidate, and proposed species, and designated and proposed critical habitat under the jurisdiction of the National Marine Fisheries Service that may be in the vicinity of the OCNGS site and its transmission line corridors. The most recent formal consultation for the continued operation of OCNGS was completed on September 22, 2005. However, this letter requesting consultation relates specifically to the NRC's review of AmerGen's license renewal application for OCNGS.

In addition, please provide any information you consider appropriate under the provisions of the Fish and Wildlife Coordination Act. Also in support of the SEIS preparation and to ensure compliance with Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, the NRC requests a list of essential fish habitat that has been designated in the vicinity of the OCNGS site and its associated transmission line corridors.

The NRC staff plans to hold two public NEPA scoping meetings on November 1, 2005, at the Quality Inn located at 815 Route 37 in Toms River, New Jersey. You and your staff are invited to attend the public meetings. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7:00 p.m., with a repeat of the overview portions of the meeting, and will continue until 10:00 p.m., as necessary. Your office will also receive a copy of the draft SEIS along with a request for comments. The anticipated publication date for the draft SEIS is June 2006.

## Appendix E

P. Kurkul

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If you have any questions concerning OCNGS, the license renewal application, or other aspects of this project, please contact the NRC's Senior Environmental Project Manager, Dr. Michael Masnik, at 301-415-1191 or by e-mail at [MTM2@nrc.gov](mailto:MTM2@nrc.gov).

Sincerely,



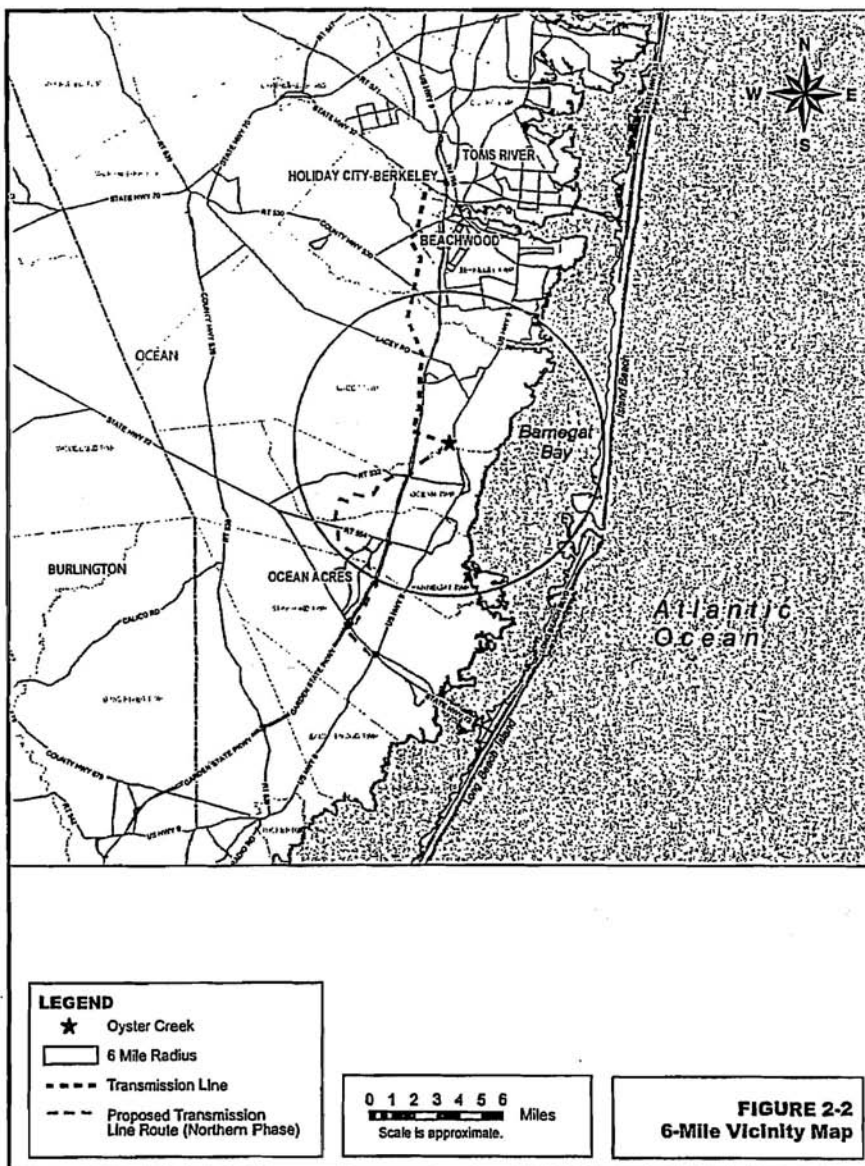
Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

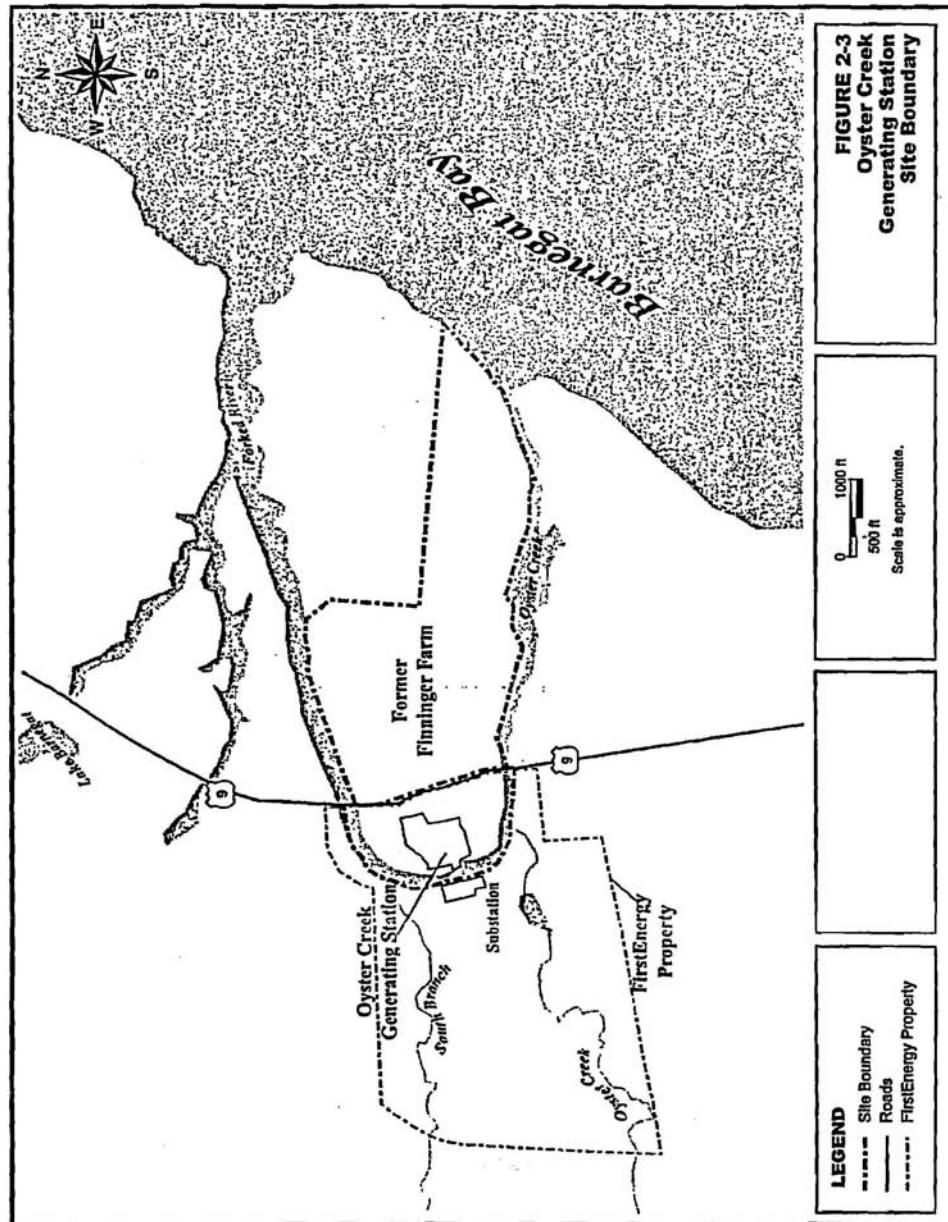
Docket No.: 50-219

Enclosures: As stated

cc w/encs.: See next page

**Environmental Report**  
**Section 2.1 Figures**







UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

October 12, 2005

Mr. Robert Chicks  
President, Stockbridge-Munsee Community  
N8476 Mo He Con Nuck Road  
Bowler, WI 54416

SUBJECT: REQUEST FOR COMMENTS CONCERNING THE OYSTER CREEK NUCLEAR  
GENERATING STATION APPLICATION FOR OPERATING LICENSE  
RENEWAL (TAC NO. MC7625)

Dear Mr. Chicks:

The U.S. Nuclear Regulatory Commission (NRC) is seeking input for its environmental review of an application from AmerGen Energy Company, LLC (AmerGen) for the renewal of the operating license for the Oyster Creek Nuclear Generating Station (OCNGS), located in Lacey Township in Ocean County, New Jersey. OCNGS is in close proximity to lands that may be of interest to the Stockbridge-Munsee Community. As described below, the NRC process includes an opportunity for public and inter-governmental participation in the environmental review. We want to ensure that you are aware of our efforts and, pursuant to Title 10 of the *Code of Federal Regulations* Part 51.28(b) (10 CFR 51.28(b)), the NRC invites the Stockbridge-Munsee Community to provide input to the scoping process relating to the NRC's environmental review of the application. In addition, as outlined in 36 CFR 800.8, the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, with the requirements of the National Environmental Policy Act of 1969, as amended.

Under NRC regulations, the original operating license for a nuclear power plant has a term of up to 40 years. The license may be renewed for up to an additional 20 years if NRC requirements are met. The current operating license for OCNGS will expire on April 9, 2009. AmerGen submitted its application for renewal of the OCNGS operating license on July 22, 2005.

The NRC is gathering information for an OCNGS site-specific supplement to its "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (GEIS), NUREG-1437. The supplement will contain the results of the review of potential environmental impacts on the area surrounding the OCNGS site that are related to terrestrial ecology, aquatic ecology, hydrology, cultural resources, and socioeconomic issues, among others, and will contain a recommendation regarding the environmental acceptability of the license renewal action.

The NRC will hold two public scoping meetings for the preparation of the OCNGS Supplemental Environmental Impact Statement (SEIS) on November 1, 2005, at the Quality Inn located at 815 Route 37 in Toms River, New Jersey. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7:00 p.m., with a repeat of the overview portions of the meeting, and will continue until 10:00 p.m., as necessary. Additionally, the NRC staff will host informal discussions one hour before the start of each session. To be considered, comments must be provided either at the transcribed public meetings or in writing. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during informal discussions. The application is electronically available for inspection from the Publicly

## Appendix E

R. Chicks

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Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS) under Accession Number ML052080172. ADAMS is accessible at [www.nrc.gov/reading-rm/adams.html](http://www.nrc.gov/reading-rm/adams.html) and provides access through the NRC's Public Electronic Reading Room link. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail at [pdr@nrc.gov](mailto:pdr@nrc.gov). In addition, the application can be viewed on the Internet at [www.nrc.gov/reactors/operating/licensing/renewal/applications/oystercreek.html](http://www.nrc.gov/reactors/operating/licensing/renewal/applications/oystercreek.html).

A paper copy of the application can be viewed at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20852-2738 and at the Lacey Public Library located at 10 East Lacey Road, Forked River, NJ 08731. The GEIS, which assesses the scope and impact of environmental effects that would be associated with license renewal at any nuclear power plant site, can also be found on the NRC's website or at the NRC's PDR.

Please submit any written comments that the Stockbridge-Munsee Community may have on the scope of the environmental review by November 25, 2005. Comments should be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T-6D59, U.S. Nuclear Regulatory Commission, Washington D.C. 20555-0001. At the conclusion of the scoping process, the NRC staff will prepare a summary of the significant issues identified and the conclusions reached, and mail a copy to you.

The NRC will issue the draft SEIS for public comment (anticipated publication date June 2006), and will hold another set of public meetings in the site's vicinity to solicit comments on the draft. A copy of the draft SEIS will be sent to you for your review and comment. After consideration of public comments received on the draft, the NRC will prepare a final SEIS. The issuance of a final SEIS for OCNBS is planned for February 2007. If you need additional information regarding the environmental review process, please contact Dr. Michael Masnik, Senior Environmental Project Manager, at 301-415-1191 or by e-mail at [mtm2@nrc.gov](mailto:mtm2@nrc.gov).

Sincerely,



Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket No.: 50-219

cc: See next page

**From:** "Deborah Fimbel" <Deborah.Fimbel@dep.state.nj.us>  
**To:** <MTM2@nrc.gov>  
**Date:** 11/2/05 3:50PM  
**Subject:** Oyster Creek Nuclear Generating Station license renewal and invitation to public scoping meeting

Dr. Masnik -

Our Office administrator, Dorothy Guzzo, has received a letter from Pao-Tsin Kuo inviting us to join you at the November 1st, 2005 public scoping meeting in Toms River, NJ for the Oyster Creek Nuclear Generating Station license renewal. As noted in the letter, Ms. Guzzo responded on October 15th, 2004 that the project re-licensing will not impact historic and archaeological properties. Therefore, we will not consult further at this time.

We are aware that limited off-site new activities may potentially become part of the project, and that there may be modification to on-site facilities as well. If project activities beyond re-licensing do occur, we look further to further consultation under Section 106 of the National Historic Preservation Act.

Thank you for the invitation to the public scoping meeting. If you have any questions, please contact me. Deborah Fimbel

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2005 Conference of the Council for  
Northeast Historical Archaeology  
Cities Built on Commerce & Industry  
October 20-23, 2005 in Trenton, NJ

For additional information, please see  
<http://www.smcm.edu/Academics/soan/cneha/home.htm>